

**REGULAR MEETING of the Town Council held on Wednesday, June 28, 2006 at 7:05 P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.**

**MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**MEMBERS ABSENT: None**

**1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the regular meeting held June 14, 2006, and the two public hearings held June 14, 2006; and dispense with the reading of said minutes.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**3. Public Comment: None**

#### **4. General Good and Welfare of the Town of Burrillville.**

**Councilor Nancy F. Binns congratulated the Burrillville High School team of Matthew Presbrey and Jesse Stattler, who had the only "perfect" car in the recent AAA/Ford Auto Skills state final. Mr. Presbrey and Mr. Stattler would go on to compete in the national event to be held in Dearborn, MI.**

**Councilor Jacqueline Zahn noted that Barbara A. VonVillas, Ph.D., is serving her last days as Superintendent of Schools, offering Dr. VonVillas the best wishes of the Town Council. Michael C. Wood, Town Manager, noted that he had met and was looking forward to working with the new Superintendent.**

**Michael C. Wood, Town Manager, noted that fireworks would be held on July 3, 2006 at Branch River Park.**

**Michael C. Wood, Town Manager, discussed the closing of Gazza Bridge on July 5, 2006.**

**5. Petitions: None**

**6. Special Business:**

**06-190 VOTED to confirm the adoption of a proclamation honoring Jim Hoppe on his retirement from the Pascoag Utility District.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-191 VOTED to open applications from All Things Hunting for the transfer of a firearms license from 249 Hill Road, Harrisville to 75 Pascoag Main St., Pascoag, in a building owned by Desnoyers Enterprises, Inc.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED to grant the transfer of the firearms license held by All Things Hunting from 249 Hill Road, Harrisville to 75 Pascoag Main St., Pascoag, in a building owned by Desnoyers Enterprises, Inc., with the stipulation that they meet all requirements for safety and security.**

**Motion by Councilor William A Andrews. Seconded by Councilor**

**Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED to grant a Holiday License to All Things Hunting to apply at 75 Pascoag Main St., Pascoag,, in a building owned by Desnoyers Enterprises Inc.**

**Motion by Councilor William A Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-192 VOTED to open the application from Aaron Smith Farm Gourmet Dining Workshop for a victualing license to apply at 264 Victory Highway, Mapleville.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: It was noted that the approval of the Department of**

**Health was required.**

**VOTED to grant a victualing license to Aaron Smith Farm Gourmet Dining Workshop to apply at 264 Victory Highway, Mapleville, subject to the approval from the Department of Health.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Note: Council President Wallace F. Lees noted that items #06-195 and #06-207 would be taken up at this point on the agenda.**

**06-207 VOTED to open the application from New England Novelty for a Hawkers & Peddlers License.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED to grant a Hawkers & Peddlers license to New England Novelty to apply at Branch River Park on July 3, 2006.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-195 VOTED to open the correspondence from Richard Dionne, of the Burrillville Land Trust and the Burrillville Conservation Commission, regarding the Land Trust and Conservation Commission's request for written support by the Burrillville Town Council to continue the planning and development of a Farmers' Market proposal.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: Richard Dionne read the following into the record:**

**The Burrillville Land Trust and Burrillville Conservation Commission have recently been discussing the concept of a Farmer's Market located in Burrillville to allow local residents the opportunity to buy and sell vegetables, fruits and/or other food type products produced**

**within the Town of Burrillville.**

**The first step in this process is to find an appropriate location to facilitate this type of activity.**

**I recently approached School Committee Member Scott Moore concerning the possible use of School Department parking lots as a potential site for a future Farmer's Market. He then polled his colleagues on the School Committee and received a very favorable response.**

**In order to carry this project forward, the BLT/BCC is requesting written support by the Burrillville Town Council to continue the planning and development of this Farmer's Market proposal. As always, the BLT/BCC is appreciative of the support the Council has given us through the years in helping to maintain Burrillville's rural character.**

**There was discussion of the center of Harrisville serving as an appropriate location, although it was noted that the Route 107 project must be considered. Alternative locations were discussed. Mr. Dionne suggested that late summer of 2006 might be a target for start-up of the project.**

**VOTED to support the concept of a Farmers' Market under the jurisdiction of the Land Trust.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**7. Unfinished Business:**

**06-052 VOTED to open the correspondence from Louise R. Phaneuf, Town Clerk, regarding review, consideration and action on various legislative items.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: At the request of Town Council President Lees, the Clerk reviewed the status of legislation considered by the Town Council during the 2006 session. The report is on file with the record of the meeting.**

**Michael C. Wood, Town Manager, said that Senate Bill S 3050, which reduces the percentage increase a city or town may increase property taxes over the previous year, passed in the general assembly, noting**



that the bill had been amended on the floor. Mr. Wood supported tax relief but voiced concern that potential problems that might arise from this bill may not have been sufficiently addressed in the amendments.

**VOTED to receive and file.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-140 Consider and act on Downtown Pascoag Redevelopment:**

**A. Reschedule a public hearing regarding an ordinance designating the Downtown Pascoag Redevelopment Area (originally scheduled for 6/28/06);**

**B. Schedule a public hearing regarding an ordinance adopting the Downtown Pascoag Redevelopment plan (originally scheduled for 6/28/06).**

**VOTED to reschedule a public hearing regarding an ordinance designating the Downtown Pascoag Redevelopment Area; and to reschedule a public hearing regarding an ordinance adopting the**

**Downtown Pascoag Redevelopment plan at the call of the chair.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-171 VOTED to open consideration and action on revising the Fiscal Year 2007 Budget that was adopted on June 14, 2006.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: Michael C. Wood, Town Manager, explained that the revision under consideration would amend the budget adopted on June 14, 2006, taking into account the final state aid. Councilor Margaret L. Dudley noted that the Manager had recommended and the Council adopted a School Department budget that was \$189,420 more than the School Department had asked. Councilor Dudley said that, with the final figures for state aid, the budget revision under consideration would result in \$513,107 over the School Department's budget request. Councilor Dudley suggested that the Council consider reducing the proposed amended budget by \$189,420, which**

would result in the School Department budget being \$323,687 more than their original request. Councilor Dudley noted that her recommendation would result in a ten cent decrease in the proposed tax rate.

**VOTED** to reconsider the FYE 2007 Budget that was adopted on June 14, 2006 to reflect the increase in School General Operation Aid that was recently passed by the State Legislature.

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED** that the appropriation to the School Department be \$26,309,267.

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion:** Michael C. Wood, Town Manager, indicated that the date for payment of first quarter taxes would be adjusted; the Council

**agreed that the payment date should be delayed by 14 days.**

**NOTE The Council recessed at 7:35 P.M., returning at 8:07 P.M.**

**VOTED to present the budget to the Town Clerk, and in lieu of reading the entire resolution; to note that the School Department Budget had been decreased the by \$189,420, and then increased by \$323,687; that the new tax rate will be \$13.15; and the changes in the due date for first quarter taxes would be handled administratively.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED to adopt the resolution, as amended, as follows:**

**BUDGET RESOLUTION [6-28-06] Fiscal Year Ending June 30, 2007**

**SECTION A.**

**That a resolution of the Town of Burrillville adopting the annual Town Budget for the 2006-2007 Fiscal Year be adopted.**

**Whereas, the Burrillville Town Charter provides in Article Ten for the budget process and specifically in Section 10.04 (F) for the final**

**adoption of the Town Budget including School Operations.**

**And whereas, the final budget when adopted shall show a balance between authorized appropriation and anticipated receipts.**

**Now, therefore, be it resolved that the Town Council adopts a final budget for the 2006-2007 Fiscal Year of \$ 44,619,339. This total budget is divided into the following Sections:**

**(1) Total Town Operating Appropriation: \$ 9,196,057**

**(2) Total Town Indebtedness and Interest Appropriation: \$ 6,078,301**

**\*\*NOTE 1**

**(3) Total Other Transfers: \$ 179,339**

**(4) Total Town Capital Improvement Appropriation: \$ 2,131,375**

**\*\*NOTE 2**

**(5) Total School Department Appropriation: \$ 26,309,267 \*\*NOTE 3**

**(6) Overlay Variance Appropriation for Tax Abatements,**

**Refunds and Uncollected Taxes: \$ 725,000**

**Total Appropriation: \$ 44,619,339**

**The Total Adopted Departmental Budgets as recommended by the Town Manager, and amended by the Town Council, for the 2006-2007 Fiscal Year is attached and incorporated as part of this resolution.**

**SECTION B.**

**That the Town Council hereby orders the assessment and collection of a tax on ratable real estate and tangible personal property in a sum not less than \$ 18,788,890 and not more than \$ 19,513,890, based upon current estimated assessed valuations.**

**The Total Revenues allocated for Town and School Expenditures are broken out as follows:**

**(1) Total Estimated School Department Revenues: \$ 12,768,671**

**\*\*NOTE 3**

**(2) Total Estimated Town Non-Property Tax Revenues: \$ 11,811,778**

**(3) Total Funding Other Sources:**

- a) Spring Lake Fund \$ 5,000**
- b) Wastewater Treatment Fund 20,000**
- c) Debt Reduction Fund 500,000**

**\$ 525,000 \*\*NOTE 1**

## **\*\*NOTE 2**

**(6) Total Estimated Amount to be raised from Property Taxes:**

<b>Class II Motor Vehicles</b>	<b>11.26%</b>	<b>2,197,264</b>
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**Total Revenues:     \$ 44,619,339**

**Class II Motor Vehicles \$ 54,917,000**

**Class I Property is Projected to be 88.74%**

**Class II Property is Projected to be 11.26%**

**The Total Tax Rates to raise the above percentages of the Tax Levy are to be no greater than:**

**Class I Real Estate & Tangible Personal Property \$13.15**

**Class II Motor Vehicle \$40.00**

**Any and all revenue/receipts (prior and current fiscal year ending 2006 shall be considered to be part of the general receipts of the Town and shall not supplement nor increase the amount appropriated to a specific department by the Town Council. This does not apply to direct reimbursements (e.g. insurance, grants, cancelled orders).**

**Subsequent to the adoption of this budget by the Town Council, should State Aid be higher than anticipated, the amount will be utilized to adjust the tax rate in lieu of increasing the related appropriations for Town and School Operations.**

**Municipal department expenses incurred during their normal operation that will result in the over expenditure of a given municipal department's appropriation for the given year shall be balanced through transfers from the General Fund Contingency line item by the Finance Director who shall notify the Town Council of any transfer at the next Town Council meeting.**

**Now, therefore, be it further resolved, that the tax levy WILL NOT**



**exceed the five and one-half percent (5.5%) annual cap as imposed by the Omnibus Property Tax Relief and Replacement Act of 1985, Chapter 44-5-2 of the General Laws of the State of Rhode Island, as amended.**

**Said Taxes are for ordinary expenses, the payment of Town interest and indebtedness in whole or in part, the payment of the Town's proportion of the State Tax, and for other purposes authorized by law.**

**The Tax Assessor having assessed and apportioned said tax on the ratable property of said Town as of the 31st day of December 2005 at Twelve o'clock midnight, according to law, and shall on completion of said assessment, date, certify and sign the same and deliver to and deposit the same in the office of the Town Clerk, on or before June 15, 2006.**

**The Town Clerk on receipt of said assessment, shall forthwith make a copy of the same and deliver it to the Town Treasurer/Finance Director who shall forthwith issue and affix to said copy, a warrant under his hand, directed to the Collector of Taxes of said Town, commanding him to proceed and collect said tax of the persons and estates liable therefore, said tax shall be due and payable on the 15th day of July, 2006.**

**Said tax may be paid in equal quarterly installments, the first installment of**

**25 per centum on or before the 1st day of August 2006 and the remaining installments as follows:**

**25 per centum on the 1st day of November 2006**

**25 per centum on the 1st day of February 2007**

**25 per centum on the 1st day of May 2007**

**Each installment of taxes if paid on or before the 1st day of each installment period successively and in order shall be free from any charges for interest.**

**If the first installment or any succeeding installment of taxes is not paid by the last day of the respective period or periods as they occur, then the whole tax or remaining unpaid balance of the tax as the case may be shall immediately become due and payable and shall carry until collected a penalty at the rate of Twelve (12) per centum per annum from August 1, 2006.**

**This Resolution adopting the Budget for Fiscal Year Ending June 30, 2007 will become effective July 1, 2006 unless amendments are made prior to July 1, 2006.**

**\*\*NOTE 1. This budget includes utilizing funds from the Town's Debt Reduction Fund for the purpose of funding a portion of outstanding debt and the payment of related expenses and issuance costs**

**associated with the sale of bonds as provided in Section 2-113 [d] 4 of the Town Ordinances.**

**\*\*NOTE 2.**

**The Capital Portion of this budget, which does not include the use of Unreserved, Undesignated General Fund Balance, was adopted in accordance with the Town Charter Section 3.14 (j) at the Regular Council Meeting held on March 22, 2006. As such, the Capital Budget as voted on March 22, 2006, is hereby incorporated into the overall budget for fiscal year ending June 30, 2007.**

**\*\*NOTE 3. The School Department Expenditure and Revenue Appropriation does not incorporate State Aid targeted for several programs including the following: Student Equity, Technology, Early Childhood, Language Investment, and Professional Development, which shall be received by the Finance Director/Town Treasurer and accounted for separately by the School Department.**

**Adopted this 28th day of June 2006.**

**Motion by Councilor William A Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

## **8. New Business:**

**06-193 VOTED to continue at the call of the chair the correspondence from Michael C. Wood, Town Manager, regarding awarding of bid, appropriation of funds and scheduling, relative to the Pascoag Riverwalk Project.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-194 Correspondence from John P. Mainville, Finance Director, regarding recommendations for awarding bids, as follows:**

**1. VOTED to award the purchase of one utility dump truck to Tasca Ford in the total amount of \$47,023.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**2. VOTED to award the purchase of one front-end loader to Schmidt Equipment, Inc., in the total amount of \$113,098.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**3. VOTED to take the bid for a skid-steer loader under advisement at this time, pending further review by the administration.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**4. VOTED to continue consideration of the Pascoag Riverwalk and Pedestrian Bridge**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**5. VOTED to award the purchase of gasoline to Dennis K. Burke, Inc. for three years at the cost of \$.0422 in the first year; \$ .0452 in year two, and \$ .0452 in year three per gallon over the low tank car price – Providence port.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**6. VOTED to award the purchase of diesel fuel oil to Dennis K. Burke, Inc. for three years at the cost of \$ .0422 in the first year, \$ .0452 in year two, and \$ .0452 in year three per gallon over the low tank car price – Providence port.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**7. VOTED to award the purchase of #2 fuel oil to Dennis K. Burke, Inc., for three years at the cost of \$ .0392 in the first year, \$ .0422 year two, and \$ .0422 in year three per gallon over the low tank car**

**price – Providence port.**

**Motion by Councilor Ronald E. Faford. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-195 Correspondence from Richard Dionne, of the Burrillville Land Trust and the Burrillville Conservation Commission, regarding the Land Trust and Conservation Commission's request for written support by the Burrillville Town Council to continue the planning and development of a Farmers' Market proposal.**

**Note: This item was taken up earlier on the agenda.**

**06-196 VOTED to open the correspondence from the Jesse M. Smith Library Building Committee regarding the Committee's request to provide an update on the library project; and their request that the Town Council consider and take action on the library project, including action relative to funding/appropriations.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F.**

**Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: David Ketcham provided an update on the status of the library building project on behalf of the Library Building Committee, discussing the process of bidding the Project Construction and the Clerk of the Works. Dr. Ketcham explained the value engineering that was conducted and the Committee's decisions, based on their intent to reduce costs while maintaining the project's integrity. Dr. Ketcham informed the Town Council that the Committee had chosen to award the construction project to E.W. Burman and the Clerk of the Works position to Daniel Joubert.**

**David Ketcham of the Library Building Committee reviewed the costs of the project, which he said totaled \$9,174,875.55. Dr. Ketcham reviewed project funding in detail, indicating that there was a potential shortfall of approximately \$235,000. Dr. Ketcham noted that the Committee expected that additional grants and fundraising efforts would address the shortfall but were asking that the Town Council allocate that amount should it be necessary.**

**Dr. Ketcham reviewed the Office of Library & Information Services (OLIS) funding. Michael C. Wood, Town Manager, said that, at present, the OLIS reimbursement would be applied to the bond, resulting in a tax impact of approximately \$1.5 million.**

**Councilor William A. Andrews, liaison to the Library Building**



**Committee, commended the Committee, spoke of the excellent grant strategy and spoke of the excellent job by Karen Mellor of OLIS.**

**Dr. Ketcham said that, despite public comment to the contrary, the library building project is not smaller than originally proposed. The original project, he said, was 24,300 square feet; the project as currently configured is 24,751 square feet.**

**VOTED that, based on the attached budget, the Library Building Committee is authorized to expend the \$2,200,000 previously advanced to it, plus an additional \$250,000 is to be made available from the undesignated unreserved fund for the purpose of constructing the library. Additional funds received may be utilized to fund up to \$322,420.00 in add alternates. All funds received and not used for add alternates shall be returned to the Town to reimburse the Town for the funds advanced or loaned for the library project; with the exception that money received through the efforts of the Library Fundraising Committee will not be reimbursed to the Town unless specifically earmarked by the donor.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-197 VOTED to open the copy of correspondence from the law office of Daniel P. Carter to South Shore Utility Contractors, Inc. relative to collection of an outstanding balance on behalf of Narragansett Improvement Company of Providence, RI.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: Walter J. Kane, Town Solicitor, indicated that he had contacted the attorney to inform him that the contractor is in receivership, that the bonding company has taken over to complete the project, and that he suggested that Mr. Carter also contact the bonding company.**

**VOTED to receive and file.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-198 Correspondence from Councilor Jacqueline Zahn, Chair,**

**Screening Subcommittee, regarding the Subcommittee's recommendations:**

**1. VOTED to reappoint Arthur R. Hurley and Matthew Trimble to the Budget Board, each with a three-year term to expire June 30, 2009.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**2. VOTED to reappoint L. Kevin McDonald as an alternate member of the Budget Board for a one-year term to expire June 30, 2007.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**3. VOTED to reappoint David Brunetti and David VanDyke to the Burrillville Extended Care Board of Directors, each for a three-year term to expire June 30, 2009.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor**

**Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**4. VOTED to withdraw the recommendation to reappoint Theresa Ward to the Jesse M. Smith Library Board of Directors for a two-year term to expire June 30, 2008.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Note: Councilor Jacqueline Zahn noted that Ms. Ward had indicated that she could no longer serve on the Board.**

**06-199 VOTED to refer to the Screening Subcommittee the application from Scott P. Rabideau for reappointment to the Sewer Commission.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

## **9. Town Clerk/Communication:**

**06-200 VOTED to receive and file the correspondence from James R. Capaldi, P.E., Director, Rhode Island Department of Transportation, regarding roadwork completed along Route 107, and to send a letter of thanks.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-201 VOTED to receive and file the correspondence from Lorraine A. Derois, CMC, Barrington Town Clerk, regarding the Barrington Town Council's request for support of their vote relative to the general assembly budget process.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-202 VOTED to receive and file the resolution of the Richmond**

**Town Council relative to their opposition of H-7280, An Act Relating to Statutes and Statutory Construction – Publication and Distribution of Acts.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-203 VOTED to receive and file the correspondence from Charles A. Horbert, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, RI DEM, regarding insignificant alteration permit, application #06-0199.**

**Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-204 VOTED to receive and file the correspondence from Charles A. Horbert, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, RI DEM, regarding insignificant alteration permit, application #05-0288.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

#### **10. Additional New Business:**

**Note: Item #06-206 was considered at this point on the agenda.**

**06-206 VOTED to open consideration and action on adoption of a Code of Conduct.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Discussion: Michael C. Wood, Town Manager, explained that the proposed developer of the Clock Tower property had indicated that adoption of the Code of Conduct was required for projects receiving federal funds.**

**VOTED to adopt the following Code of Conduct:**

## **Town of Burrillville, Rhode Island**

### **Code of Conduct**

**The Town of Burrillville, Rhode Island has established standards of conduct for its employees, vendors, subcontractors and suppliers. These standards are designed to assure the utmost in public trust and confidence in the policies and practices of the Town. Because of its status as a municipal corporation, the Town recognizes its responsibility to conduct all business in a manner above reproach or censure. This Code of Conduct will describe the standards by which all officers, agents, employees, vendors, subcontractors and suppliers are to be held accountable and to avoid and prohibit all conflicts of interest, both real and apparent.**

**This Code recognizes and incorporates those sections of federal, state and local law which govern the conduct of public employees, and in no way supplants those provisions of law. In cases where no statutory precedent exists, the policy of the Town shall be applied except that this policy shall in no way be taken to supersede the provisions of the personnel policy, Town policy and procedures, contracts, federal regulation or collective bargaining agreements.**

**The standards of conduct contained within this Code shall be generally applied so as to avoid the appearance, or actual occurrence of, any favoritism or special treatment towards any applicant, resident, vendor, or agent having business, or dealings of any kind,**



**with the Town.**

### **Applicability**

**The provisions contained herein shall apply to the employees and agents of the Town. With respect to professional services performed by contractors for the Town (e.g., legal, accounting, or others), it is assumed that they will abide by the ethical standards of their particular profession.**

### **Definitions**

**"Employee" shall mean any person hired by the Town to fill an unlimited or limited position, whether full or part time, temporary, or special program.**

**"Family" shall mean mother, father, sister, brother, spouse, child, (including stepchild and adopted child), legal guardian, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-law, aunt, uncle, niece, nephew, etc. Family may also include common-law spouse or a domestic partner.**

**"Interest" shall mean a benefit or advantage of an economic or tangible nature that an employee, agent or member of his or her Family or an organization which employs or is about to employ any of the preceding individuals would gain or lose as a result of any decision, or action or omission to decide or act, on the part of the Town, its employees, or agents.**

**"Person" shall mean any individual, corporation, partnership, limited liability company, joint venture, entity, association, organization, commissioner, officer, or Town employee.**

### **Policy Guidelines**

**The Town, in establishing a code of conduct for its officers, employees and agents, recognizes the importance of establishing standards of conduct for external vendors and suppliers of products and/or services to the Town. While the Town cannot mandate the internal conduct or policies of vendors, contractors, subcontractors and suppliers, it nevertheless requires that vendors, contractors, subcontractors and suppliers adhere to certain basic principles in conducting business with the Town. Specifically, these principles include, but are not limited to, the following:**

**1. Officers, agents and employees are prohibited from offering, giving, soliciting, or accepting bribes, kickbacks, or other illegal payments or consideration.**

**2. No employee, officer or agent shall accept gifts, gratuities, or favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.**

**3. No employee, officer or agent shall use or cause or allow to be used her or his position to secure any personal privileges for**

**herself/himself, family members or business partners.**

**4. Nothing herein shall authorize, approve, waive or otherwise condone or permit an officer, agent or employee to violate any statute, rule, regulation, or other law binding upon such individual including, by way of illustration and not limitation, the various federal conflicts of interest regulations or provisions.**

**5. Any person having any questions concerning any matters in this Code should contact the Burrillville Town Clerk.**

### **Administrative and Disciplinary Actions**

**Violation of this Code of Conduct will result in disciplinary action, up to and including termination as set forth in the Town's personnel policy, and/or civil or criminal prosecution under applicable Federal or State laws.**

### **Steps to Ensure Awareness**

**In order to ensure that all Town officers, employees, and agents are aware of this Code of Conduct, the Town Manager and Town Clerk will ensure that all covered parties receive notification through the following methods: as part of the Town's new hire orientation and annual employee performance evaluations, inclusion in Town agreements and contracts, annual distribution with W-2 and tax information, and posting on official Town bulletin boards and websites.**

**Adopted as a resolution of the Burrillville Town Council this 28th day of June 2006.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-205 VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(2)] for discussions relating to litigation matters.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**06-206 Consider and act upon adoption of a Code of Conduct.**

**06-207 Application from New England Novelty for a Hawkers & Peddlers License.**

**Note: Items 06-206 and 06-207 were considered earlier on the agenda.**

**The Council returned to open session at 8:45 P.M.**

**VOTED to seal the minutes of executive session, noting that one vote had been taken.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**VOTED to adjourn at 8:45 P.M.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.**

**Louise R. Phaneuf, Town Clerk**